

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.

UNITED STATES OF AMERICA,

Plaintiff,

v.

ONE MILLION FOUR HUNDRED
FORTY-NINE THOUSAND FOUR
HUNDRED SEVENTY-THREE DOLLARS
AND THIRTY-TWO CENTS
(\$1,449,473.32) IN UNITED
STATES CURRENCY

Defendant.

01-4645

CIV-LENARD

MAGISTRATE JUDGE
TURNOFF

VERIFIED COMPLAINT FOR FORFEITURE IN REM

Plaintiff, United States of America, by and through the undersigned attorneys, hereby files this Complaint for Forfeiture and alleges as follows:

1. This is a civil action for forfeiture in rem of ONE MILLION FOUR HUNDRED FORTY-NINE THOUSAND FOUR HUNDRED SEVENTY-THREE DOLLARS AND THIRTY-TWO CENTS (\$1,449,473.32) in U.S. currency ("defendant currency").

2. This Court has jurisdiction and venue over this action pursuant to Title 28, United States Code, Sections 1345, 1355, and 1395 in that the defendant currency was seized in the Southern District of Florida and will remain within the Southern District of Florida during the pendency of this action.

3. The United States seeks forfeiture of the defendant currency pursuant to Title 21, United States Code, Section 881(a)(6) and Title 28, United States Code, Section 2461. Title 21, United States Code, Section 881(a)(6) provides for the

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forfeiture of moneys, negotiable instruments, securities, or other things of value furnished or intended to be furnished in exchange for controlled substances in violation of the Controlled Substance Act, 21 U.S.C. §§ 801 et seq., and for the forfeiture of property which constitutes proceeds traceable to such an exchange.

FACTS AND CIRCUMSTANCES SUPPORTING FORFEITURE

4. The defendant currency was seized from 100 Lincoln Road, Penthouse #5, in Miami, Florida, and accounts numbered 91000024265241, 003061168043, and 003669004664 at Nations Bank, Miami Beach Branch, on or about March 21-23, 2000. At the time of the seizure, Baruch Jairo Vega resided at 100 Lincoln Road, Penthouse #5, and the seized bank accounts were held in the name of Baruch Vega and/or Baruch Vega United Productions. Baruch Vega is the owner of Baruch Vega United Productions.

5. On May 29, 2000, Vega, through his attorney, filed a claim of ownership to all of the defendant currency and a cost bond contesting the forfeiture of the defendant currency.

6. On July 20, 2000, Vega and his attorney executed a written agreement with the government in which Vega knowingly and voluntarily agreed to waive any right to prompt action by the government in filing a complaint to commence civil forfeiture of the defendant currency and agreed that should the government file such a complaint, the forfeiture laws as they existed as of the date of the agreement would govern any such action. Attached as Exhibit A is a copy of the agreement.

7. The defendant currency was seized in connection with an investigation by agents of the Federal Bureau of Investigation into allegations of conspiracy, obstruction of justice and money laundering. On or about March 22, 2000, Vega was arrested on a criminal complaint charging him with conspiring to obstruct and obstructing justice and conspiring to launder and laundering monetary instruments, in violation of Title 18, United States Code, Sections 1956, 371, and 1503.

8. The FBI's investigation revealed that, from May 1999 through March 2000, while a confidential informant for the Drug Enforcement Administration, Vega engaged in a fraudulent scheme, wherein he tricked Colombian drug traffickers into giving him large amounts of money, which Vega claimed he would use corruptly to ensure that the drug traffickers would be treated leniently after they surrendered in the United States. Some of the traffickers were already indicted and some were under federal criminal investigation.

9. Vega received the large amounts of money from the drug traffickers in cash, money order checks, and wire transfers. The money received by Vega from the drug traffickers was known by Vega and others to be proceeds of illegal narcotics trafficking. When interviewed by the FBI prior to and at the time of his arrest on March 21-22, 2000, Vega identified several people who knew that the money he received from the drug traffickers was the proceeds of narcotics trafficking.

10. On March 21-22, 2000, Vega executed a written consent to the search of his residence and informed the searching agents that they would find cash and money orders representing money he received from the drug traffickers to whom he had pitched his fraudulent scheme. The agents found and seized \$453,892 in cash and \$56,253 in money orders from Vega's residence.

11. On or about March 21-22, 2000, Vega executed a written consent to the seizure of the money in his bank accounts. On or about March 23, 2000, FBI agents executed a seizure warrant and seized all funds deposited in account numbers 003061168043, 003669004664 and 91000024265241 at Nations Bank, Miami Beach Branch. The following amounts were seized from each account: \$10,142.81 was seized from bank account number 91000024265241; \$925,185.18 was seized from bank account number 003061168043; and \$4,000.33 was seized from bank account number 003669004664.

12. A confidential source ("CW"), who has previously provided reliable information, told the FBI that s/he used an intermediary to pay an associate of Vega's \$3 million in cash in New York, which was the proceeds of illegal narcotics trafficking, to assist her/his indicted family members in approximately early December, 1999. According to the CW, Vega confirmed that he had received the money and that he knew it was proceeds of the CW's narcotics trafficking. When interviewed on March 21-22, 2000, Vega said that the CW had delivered \$3 million to an associate of his in New York, but explained that the \$3 million was used to pay several other people so that when Vega

received the money in Miami in January, 2000, only \$1.2 million remained. Vega said that he paid other people so that, of that \$1.2 million, he only retained \$500,000 in cash.

13. According to the CW, in early January, 2000, a Colombian drug trafficker ("CDT") paid Vega \$1 million in cash in Miami. According to the CW, the cash was the proceeds of drug trafficking activities. Also according to the CW, drug trafficking is CDT's only source of substantial amounts of cash. When interviewed by FBI agents, Vega confirmed that he had received \$1 million from CDT in January, 2000, at his residence. He also stated that, of the \$1 million, he retained approximately \$350,000 in cash.

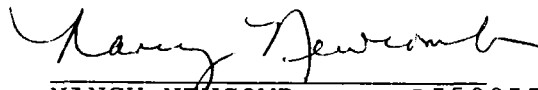
14. According to the CW, Vega received additional payments by wire transfer and money order checks from CDT through accounts held by businesses based in New York, New York. On March 13, 2000, Vega showed the CW a facsimile summarizing his deal with CDT and told the CW that he had received \$1 million from CDT. On March 11 and 13, 2000, CDT's assistant sent CW by facsimile wire transfer confirmations and summary check deposit information, confirming wire transfers and check deposits in various amounts totaling \$2,481,370 to Nations Bank account number 003061168043, and a handwritten note in Vega's handwriting providing bank account and wire transfer information. Copies of the wire transfer confirmations and summary check deposits were also

retrieved from Vega's residence during the consent search conducted on March 21-22, 2000.

15. By reason of the foregoing, the defendant currency is subject to forfeiture to the United States of America pursuant to the provisions of 21 U.S.C. §881(a)(6) in that it constitutes proceeds of exchanges for controlled substances and/or proceeds traceable to such exchanges in violation of 21 U.S.C §841 et seq.

WHEREFORE, the United States of America requests that a warrant of arrest be issued for the defendant currency; that the Court direct any and all persons having any claim to the defendant property to file and serve their Verified Claims and Answers as required by the Supplemental Rules for Certain Admiralty and Maritime Claims, or suffer default thereof; that the Court declare the defendant currency, and all accrued interest thereon, condemned and forfeited to the United States of America for disposition according to law; and that the United States be granted such other and further relief as this Court deems just and proper, together with costs and disbursements of this action.

Respectfully submitted,




NANCY NEWCOMB, no. A5500551
ALISON VAN HORN, no. A5500550
TRIAL ATTORNEYS/CRIMINAL DIVISION
PUBLIC INTEGRITY SECTION
U.S. DEPARTMENT OF JUSTICE
P.O. BOX 27518
McPHERSON SQUARE STATION
WASHINGTON, D.C. 20038
TEL. (202) 514-1412
FAX. (202) 514-3003

VERIFICATION

I, John C. Jones, Special Agent, Federal Bureau of Investigation, declare under penalty of perjury pursuant to 28, United States Code, Section 1746, that the foregoing Complaint for Forfeiture in Rem is based on information known to me, and that the facts alleged are true and correct to the best of my knowledge and belief.

Executed on October 4, 2001



SPECIAL AGENT
FEDERAL BUREAU OF INVESTIGATION

AGREEMENT

Defendant Baruch Jairo Vega, through his attorney, Elio Vazquez, and the United States, through its undersigned attorneys, hereby enter into the following Agreement:

1. On March 22-23, 2000, property belonging to Baruch Jairo Vega was seized by the Federal Bureau of Investigation in Miami Beach, Florida, for forfeiture. The relevant seizure numbers are:

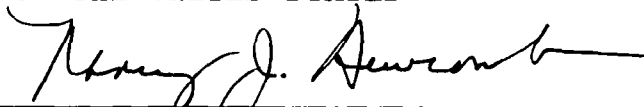
3460-2000-F-0088
3460-2000-F-0090
3460-2000-F-0092
3460-2000-F-0093
3460-2000-F-0094

2. On May 29, 2000, Baruch Jairo Vega, through his attorney, filed a claim of ownership and cost bond contesting the forfeiture of property seized by the FBI.

3. Baruch Jairo Vega knowingly and voluntarily agrees to waive any right to prompt action by the government with respect to the government's filing of a complaint to commence civil forfeiture of the property.

4. The parties agree that should the government at a later date file a complaint to commence civil forfeiture of the property, the forfeiture laws as they exist as of the date of this Agreement will govern any such action.

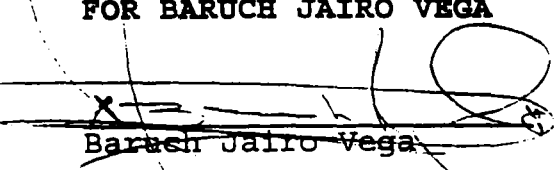
FOR THE UNITED STATES

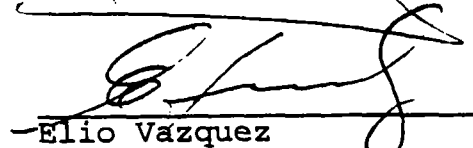


Nancy J. Newcomb
Senior Trial Attorney
Jonathan Biran
Trial Attorney
Public Integrity Section
Criminal Division
United States Department of Justice
P.O. Box 27518, McPherson Sq. Station
Washington, DC 20038
Tel: (202) 514-1412

Date: 7/20/00

FOR BARUCH JAIRO VEGA



~~Baruch Jairo Vega~~


Elio Vazquez
Attorney for Mr. Vega
6780 Coral Way
Miami, Florida 33155
Tel: (305) 261-4000

Date: 7/14/00

JS 44
(Rev. 12/96)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1994, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

United States of America

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF
(EXCEPT IN U.S. PLAINTIFF CASES)

B. Dede of 4645 CIV JAL wa

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Nancy J. Newcomb and Alison Van Horn
Trial Attorneys, Public Integrity Section
P.O. Box 27518, Washington, D.C. 20038

DEFENDANTS

One Million Four Hundred Forty-Nine
Thousand Four Hundred Seventy-Three
Dollars and Thirty-Two Cent

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

ATTORNEYS (IF KNOWN)

Elio Vasquez
6780 Coral Way
Miami, FL 33155

MAGISTRATE JUDGE
TURNOFF(d) CIRCLE COUNTY WHERE ACTION AROSE: DADE MONROE, BROWARD, PALM BEACH, MARTIN, ST. LUCIE, INDIAN RIVER, OKEECHOBEE, HIGHLANDS

II. BASIS OF JURISDICTION (PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

VI. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify) _____
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

V. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

A CONTRACT	A TORTS	FORFEITURE/PENALTY	A BANKRUPTCY	A OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input checked="" type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 154 Stockholders' Suits <input type="checkbox"/> 155 Other Contract <input type="checkbox"/> 156 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input checked="" type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 680 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 A PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 881 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 990 Other Statutory Actions
A REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	A CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence HABEAS CORPUS: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	A LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 780 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	B SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSD Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 28 USC 7609

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL UNLESS DIVERSITY.)

Civil action for forfeiture in rem, pursuant to 21 U.S.C. 881(a)(6) and 28 U.S.C. 2461

LENGTH OF TRIAL

via _____ days estimated (for both sides to try entire case)

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION DEMAND \$ _____
UNDER F.R.C.P. 23

CHECK YES only if demanded in complaint
JURY DEMAND: ☐ YES ☒ NO

VIII. RELATED CASE(S) (See instructions): IF ANY

JUDGE Bandstra

DOCKET NUMBER 00-2467

DATE 10/12/01 SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____